

## **MITIGATED NEGATIVE DECLARATION**

September 14, 2006

Project Name: West Lilac Tentative Map

Project Number(s): TM 5276RPL<sup>3</sup>, Log No. 02-02-002

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for Biology, Traffic, Agriculture, Nitrate Assessment, Stormwater Management, and Hydrology.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. Prior to approval of the Final Map, the applicant shall:

1. The subdivider shall provide evidence satisfactory to the Director of the Department of Planning and Land Use that an application for a Final Public Report has been submitted to the State of California, Department of Real Estate that discloses that there will be hazards or unusual conditions in or near this subdivision related to surrounding agricultural uses. The application must fully disclose to potential purchasers of the property all inconveniences and irritations arising from agricultural operations including, but not limited to the following: cultivation, plowing, spraying, pruning, harvesting, drying, crop protection from the elements or depredation which generates dust, smoke, noise, insects, rodents, and odor, and the use of agricultural chemicals, including but not limited to herbicides, insecticides, fungicides, rodenticides, and fertilizers. The information to be included in the application for the Final Public Report shall be submitted to and approved by the Director of Planning and Land Use prior to submittal to the State of California, Department of Real Estate.

B. Prior to issuance of grading permits or construction permits, or on the Final Map, whichever comes first, the applicant shall:

1. Grant to the County of San Diego an open space easement as shown on the Open Space Exhibit dated April 21, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 02-02-002. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation.

The sole exception(s) to this prohibition is:

- a. Selective modification of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While fuel modification for fire management is not anticipated with the creation of this easement, such fuel modification may be deemed necessary in the future for the safety of lives and property. All fuel modification shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto.
2. Grant to the County of San Diego a Limited Building Zone Easement as shown on the Open Space Exhibit dated April 21, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 02-02-002. The purpose of this easement is to limit the need to modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:
  - a. Decking, fences, and similar facilities.
  - b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require fuel modification within the biological open space easement, beyond the fuel modification required for the primary structures on the property.
- C. Grading and/or improvement plans shall include the requirement that temporary fences shall be placed to protect all open space easements shown on the Tentative Map which preclude grading, or brushing or clearing. The applicant shall submit to the Department of Planning and Land Use a statement from a California Registered Engineer, or licensed surveyor that temporary fences have been placed in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fence location shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned between the open space easement boundary and any area of proposed disturbance. The temporary fencing shall be removed after the conclusion of such activity.

- D. Grading and/or improvement plans shall include the requirement that permanent fences or walls shall be placed along the open space boundary as shown on the Open Space Fencing Plan dated April 21, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 02-02-002. The fence or wall shall be a minimum of four feet (4') high and consist of split-rail or better fencing type. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation. Placement of permanent fencing or walls is required at the conclusion of the grading activity and prior to Record Plan approval. The permanent fence location(s) shall be identified in the field by a California Registered Engineer or licensed surveyor and positioned just outside of the open space easement. The property owner shall submit to the Director, Department of Planning and Land Use a signed, stamped statement from a California Registered Engineer, or licensed surveyor that the permanent fences or walls have been placed to protect the dedicated open space from inadvertent disturbance by grading, brushing or clearing. Photographs and a brief description of design and materials used shall be submitted with the statement from the California Registered Engineer.
- E. Prior to the approval of grading or improvement plans and prior to the approval of the Final Map, the applicant shall:
1. Submit to the Director, Department of Planning and Land Use evidence that permanent signs have been placed to protect all Open Space Easements in accordance with on the Open Space Signage Exhibit dated April 21, 2006 on file with the Department of Planning and Land Use as Environmental Review Number 02-02-002. Evidence shall include photographs of a sign placed on the project site and a stamped, signed statement from a California Registered Engineer, or licensed surveyor that permanent signs have been placed on the open space easement boundaries in accordance with the requirements of this condition. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

“Sensitive Environmental Resources  
Disturbance Beyond this Point is Restricted  
by Easement

Information:

Contact County of San Diego, Department of Planning and Land  
Use

Ref: 02-02-002”

- F. Prior to approval of grading or improvement plans, and prior to approval of the Final Map, the applicant shall:
1. Provide for the approval of the Director of Planning and Land Use evidence that 6.70 acres of non-native grassland habitat credit has been secured in a County approved mitigation bank located in the northern part of San Diego County. Evidence of purchase shall include the following information to be provided by the mitigation bank:
    - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
    - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
    - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
    - d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 6.70 acres of non-native grassland habitat located in the northern part of San Diego County. A Habitat Management Plan (HMP) for the grassland

habitat must be submitted and approved by the Director of the Department of Planning and Land Use. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the HMP.

- G. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

Note: If the Planning Commission or Board of Supervisors approves this Tentative Map, approval should be subject to the conditions and requirements of Division I of Title 8 of the San Diego County Code.

- A. The "Standard Conditions for Tentative Subdivision Maps," approved by the Board of Supervisors on June 16, 2000 and filed with the Clerk as Document No. 740858(a), shall be made conditions of this Tentative Map approval. Only those exceptions to the Standard Conditions set forth in this resolution or shown on the Tentative Map will be authorized.
- B. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County.

PLANS AND SPECIFICATIONS

(Street Improvements and Access)

- 1. Standard Conditions 1 through 10, and 12.
- 2. Specific Conditions:
  - a. Prior to approval of the Final Map, improve or agree to improve and provide security for the private easement road,

**Aqueduct Road** from the project access road Street "A" northerly to W. Lilac Road, to a graded width of twenty-eight feet (28') and to an improved width of twenty four feet (24') with asphalt concrete pavement over approved base with asphalt concrete dike at twelve feet (12') from centerline. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one (101) to seven hundred fifty (750) shall apply to the satisfaction of the Director of Public Works. All of the above shall be to the direction of the Director of Public Works.

- b. Prior to approval of the Final Map, improve or agree to improve and provide security for the installation of Left Turn only signage from the project access private easement road Street 'A' onto northbound Aqueduct Way to the satisfaction of the Director of Public Works.
- c. Prior to approval of the Final Map, improve or agree to improve and provide security for the private easement road, Via Ararat Drive from the project access road, Street 'D' to W. Lilac Road be improved to a graded width of twenty-four feet (24') and to an improved width of twenty-two and one-half feet (22.5') with asphalt concrete pavement over approved base with asphalt concrete dike at two and one-half feet (2.5') westerly of centerline. Existing utility poles are to be relocated such that adjoining edge of pole shall be a minimum of one and one-half feet (1 ½') westerly of face of dike. All of the above shall be to the direction of the Director of Public Works.
- d. Prior to approval of the Final Map, improve or agree to improve and provide security for the private easement road, Street "A", from Aqueduct Road improvements westerly to a terminus cul-de-sac at the Lot 8 access driveway at the southeast corner of Lot 8 to a graded width of thirty-four feet (34') and to an improved width of thirty feet (30') with asphalt concrete pavement over approved base with asphalt concrete dike at fifteen feet (15') from centerline. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one (101) to seven hundred fifty (750) trips shall apply to the satisfaction of the Director of Public Works.

- e. Prior to approval of the Final Map, improve or agree to improve and provide security for Street "B", from a Tee intersection with Street "A" near the corner common to Lots 17, 18, 19, and 20, northerly to a Tee intersection with Street "C" near the northeasterly corner of Lot 18 to a graded width of thirty-four feet (34') and to an improved width of thirty feet (30') with asphalt concrete pavement over approved base with asphalt concrete dike at fifteen feet (15') from the centerline. The improvement and Design Standards of **Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works.**
- f. Prior to approval of the Final Map, improve or agree to improve and provide security for Street "C", from Street "B" westerly to the access driveways near the easterly line of Lots 12 and 13, and from Street "B" easterly to the access driveway near the westerly line of Lot 16, to a graded width of thirty-four feet (34') and to an improved width of thirty feet (30') with asphalt concrete pavement over approved base with asphalt concrete dike at fifteen feet (15') from the centerline. The improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works.
- g. Prior to approval of the Final Map, improve or agree to improve and provide security for the private easement road Street "D" from a Tee intersection with the private easement road Via Ararat Drive improvements easterly and northerly to a Tee intersection with the private easement road Street "A" near the easterly corner of Lot 7 to a graded width of thirty-four feet (34') and to an improved width of thirty feet (30') with asphalt concrete pavement over approved base with asphalt concrete dike at fifteen feet (15') from the centerline. The improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one (101) to seven hundred fifty (750) trips shall apply to the satisfaction of the Director of Public Works.
- h. Prior to approval of the Final Map, improve or agree to improve and provide security for Street "E" from a Tee intersection with Street "A" southeasterly, southerly, and



southwesterly to access driveways for Lots 1 and 2 to a graded width of thirty-four feet (34') and to an improved width of thirty feet (30') with asphalt concrete pavement over approved base with asphalt concrete dike at fifteen feet (15') from the centerline. The improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works.

- i. Streets "A" and "E" shall each terminate with a cul-de-sac and Street "C" shall terminate with a cul-de-sac at each end. Cul-de-sacs shall be graded to a radius of forty feet (40') and surfaced to a radius of thirty-six feet (36') with asphaltic concrete pavement over approved base, to the satisfaction of the Deer Springs Fire Protection District and the Director of Public Works.
- j. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement to the satisfaction of the Director of Public Works that:  
"Physically, there is a minimum unobstructed sight distance along West Lilac Road from the private easement road, Aqueduct Road of four hundred feet (400') in the easterly direction and of three hundred fifty feet (350') in the westerly direction per Section 6.1E of the Public Road Standards (approved July 14, 1999)." Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- k. A registered civil engineer, traffic engineer, or a licensed land surveyor, shall provide a signed statement that:  
"Physically, there is a minimum unobstructed sight distance along West Lilac Road from the private easement road Via Ararat Drive, for eastbound traffic from Via Ararat Drive for the prevailing operating speed of traffic on West Lilac Road, per Section 6.1E of the Public Road Standards (approved July 14, 1999)." Additionally, a registered civil engineer shall certify that "The minimum unobstructed sight distance along West Lilac Road for westbound traffic from Via Ararat Drive exceeds operational stopping sight distance, and the

acceleration lane on West Lilac Road for such westbound traffic is adequate as constructed to provide safe operating conditions." Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required." Such Statement shall be to the satisfaction of the Director of Public Works.

- I. Where height of downward slope bank for a 2:1 slope is greater than twelve feet (12'); or if height of downward slope bank for a 1.5:1 slope is greater than ten feet (10'), guardrail shall be installed per CALTRANS standards to the satisfaction of the Director of Public Works.

(Drainage and Flood Control)

3. Standard Conditions 13 through 18.
4. Specific Conditions:
  - a. On-site drainage easements shall be provided to the satisfaction of the Director of Public Works.
  - b. The private storm drain system shall be privately maintained by a private maintenance mechanism such as a homeowners association or other private entity acceptable to the satisfaction of the Director of Public Works.
  - c. The 100-year flood line of the natural channels crossing all lots with drainage watersheds in excess of twenty-five (25) acres shall be clearly delineated on the non-title information sheet of the Final Map.
  - d. For the duration of the project, comply with applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424, Ordinance No. 9426, and Ordinance No. 9518) and all other applicable ordinances and

standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information on-site.

## DEVELOPMENT IMPACT FEES

### 5. Specific Conditions:

- a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the private road improvements.
- b. Deposit with the County Department of Public Works \$220.00. Said deposit shall be used to cover the cost of site inspection by a County geologist to determine whether any geologic hazard exists and, if such is found, to review the geologic report prepared by the developer's engineering geologist. The developer shall reimburse the County Department of Public Works for any cost in excess of the deposit prior to recording the Final Map. Any unused portion of the deposit will be refunded.
- c. Participate in the cost of a traffic signal installation at the intersection of West Lilac Road and Old Highway 395. The amount of the developer's portion of the entire cost of the signal shall be \$1300. The Planning Commission/Board of Supervisors hereby determines that:
  - (1) The fee is to assist in financing the construction of a traffic signal to mitigate the impact of this project on traffic safety.
  - (2) The fee will be used to contribute toward the installation of a traffic signal at the intersection of West Lilac Road and Old Highway 395.
  - (3) The traffic signal will help mitigate the additional traffic impact on this these intersection caused by the residential subdivision.

- (4) This residential subdivision will contribute additional traffic to the intersection of West Lilac and Old Highway 395.
- (5) The fee of \$1,300 respectively is based on an estimate of the percentage of traffic this project will contribute to this these intersection.

## FINAL MAP RECORDATION

### (Streets and Dedication)

#### 6. Specific Conditions:

- a. Because private roads are approved as a condition of this subdivision, the following shall apply:
  - (1) Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
  - (2) The Director of Public Works shall be notified as to the final disposition of title (ownership) to each private road, and place a note on the Final Map as to the final title status of said roads.
  - (3) Access to each lot shall be provided by private road easement not less than forty feet (40') wide.
- b. If the private roads are separate lots, they shall have lot numbers consecutive with the other lot numbers.
- c. The Final Map shall show one-foot (1') access restriction easement along Aqueduct Road, Mount Ararat Way, and Via Ararat Drive except for Street openings for private easement roads, Street "D" and Street "A" to the satisfaction of the Director of Public Roads.
- d. The Final Map shall show one-foot (1') access restriction easement along frontage of Lots 3, and 7 with private easement road, Street "A"

- e. The Final Map shall show one-foot (1') access restriction easement along frontage of Lot 3 with private easement road, Street "E".
- f. The Final Map shall show one-foot (1') access restriction easement along frontages of Lots 17, and 18 with private easement roads, Street "B" and Street "C".
- g. Road widths less than thirty-six feet (36') improved widths may require posting and red striping to the satisfaction of the Deer Springs Fire Protection District, and the Director of Public Works.

(Miscellaneous)

- 7. Standard Conditions 25, 26, 27, and 28.

#### **WAIVER AND EXCEPTIONS**

These recommendations are pursuant to the provisions of the State Subdivision Map Act, the County Subdivision Ordinance, the County Public Road and Private Road Standards, and all other required ordinances of San Diego County except for a waiver or modification of the following:

- a. Standard Conditions for Tentative Maps:
  - (1) Standard Condition 11: Said condition pertains to condominium units or a planned development. This subdivision is neither a condominium nor a planned development.
  - (2) Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
  - (3) Standard Conditions 19 (a-e): Said conditions pertain to projects for which lot grading is required. No grading plan is required because no lot grading is proposed.

b. County Public Road Standards:

- (1) Section 6.1.E: DPW reviewed and supported the Applicant's request that the required minimum sight distance along West Lilac Road from Aqueduct Road in the westerly direction be reduced from four hundred feet (400') to three hundred fifty feet (350').

c. County Private Road Standards:

- (1) Section 3.1(C): DPW reviewed and supported the Applicant's request that to allow reduction of minimum graded and improved widths for Via Ararat Drive road easement from twenty eight feet and twenty four feet respectively to twenty-four feet and 22.5 feet, respectively; provided such improvements include asphalt concrete dike at two and one-half feet (2.5') westerly of centerline, and existing utility poles are to be relocated such that adjoining edge of pole shall be a minimum of one and one-half feet (1 ½') westerly of face of dike.

d. Project Conditions:

- (1) Section 3.1(C): DPW reviewed and supported the Applicant's request to allow 25 miles per hour design speed for Aqueduct Drive. This is indicated by above condition C.2.a which specifies design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred one (101) to seven hundred fifty (750) trips shall apply [previous project conditions indicated compliance with Section 3.1(C) of the County Standards for Private Streets for twenty-five hundred (2500) trips].

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

CATHY CIBIT, Planning Manager  
Regulatory Planning Division

CC:MF:jcr

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